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Attorney for Plaintiff UC Market, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

UC MARKET, LLC,	)	
	)	Case No. 3:24-CV-845
Plaintiff,	)	
	)	PLAINTIFF'S COMPLAINT FOR
v.	)	JUDICIAL REVIEW OF
	)	ADMINISTRATIVE ACTION
UNITED STATES DEPARTMENT OF	)	<b>7 U.S.C. § 2023</b>
AGRICULTURE, FOOD AND NUTRITION	)	
SERVICE,	)	<b>EVIDENTIARY HEARING REQUESTED</b>
	)	
Defendant.	)	
	)	
	)	
	)	

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Plaintiff UC Market, LLC ("Plaintiff"), for its Complaint against defendant United States Department of Agriculture, Food and Nutrition Service ("Defendant"), alleges as follows:

**JURISDICTION & VENUE**

1.

At all material times hereto, Plaintiff UC Market, LLC was and is an Oregon limited liability company, registered and authorized to do business in the State of Oregon.

Plaintiff operates a convenience store business called UC Market located at 12540 SE Division Street, Portland, Oregon 97236.

2.

The Court has personal jurisdiction over the Defendant, as Defendant USDA, Food and Nutrition Service is an entity of the Government of the United States of America. Defendant is an agency of the United States Government. Defendant is responsible for administering the SNAP program, more commonly referred to as the Food Stamp Program.

3.

The Court has subject matter jurisdiction over this matter pursuant to 28 USC § 1331 in that the claim herein arises under a federal statute, 7 U.S.C. § 2023.

4.

Venue is proper before the District Court for the District of Oregon pursuant to 28 USC §1391 in that the Defendant has a substantial presence in the District of Oregon, Plaintiff was conducting business in Portland, Multnomah County, Oregon as UC Market at 12540 SE Division Street, Portland, Oregon 97236 and the acts complained of occurred in Portland, Oregon.

5.

Pursuant to 7 U.S.C. § 2023 and 7 C.F.R. 279.7, *et seq.*, Plaintiff is entitled to bring this action for judicial review of its permanent disqualification from the Food Stamp Program

### **FIRST CLAIM FOR RELIEF**

**(Judicial Review of Permanent Disqualification per 7 U.S.C. § 2023, 7 C.F.R. 279.7, *et seq.*)**

6.

Plaintiff realleges paragraphs 1 through 5 above as though fully set forth herein.

7.

On March 11, 2024, Defendant's Retailer Operation Division issued a determination letter permanently disqualifying Plaintiff from the Supplemental Nutrition Assistance Program ("SNAP" also known as the Food Stamp Program) and denying Plaintiff's eligibility for a Civil Money Penalty.

8.

On or about March 20, 2024, Plaintiff submitted a timely written request for review by Defendant's Administrative Review Branch.

9.

On April 29, 2024, Defendant issued a Final Agency Decision sustaining the determination of the Retailer Operations Division of a permanent disqualification of Plaintiff from the Food Stamp Program.

10.

In ordering a permanent disqualification of Plaintiff from the Food Stamp Program, Defendant erred in failing to consider and find that a Civil Monetary Penalty is the appropriate sanction in lieu of a permanent disqualification.

11.

Plaintiff's request for judicial review of Defendant's Final Agency Decision, including the imposition of a permanent disqualification from the Food Stamp Program, is timely as it has been filed within 30 days of delivery of the Final Agency Decision.

**AN EVIDENTIARY HEARING IS HEREBY DEMANDED.**

**WHEREFORE**, Plaintiff prays for a judgment against Defendant as follows:

1. Reversing, vacating and/or invalidating Defendant's Final Agency Decision and imposition of a permanent disqualification of Plaintiff from the SNAP/Food Stamp Program;
2. Awarding Plaintiff its reasonable attorney fees, costs and disbursements incurred herein; and
3. Awarding such other and further relief as the Court may deem just.

DATED: May 23, 2024

Respectfully submitted,  
/s/ Michael A. Cox  
Michael A. Cox, OSB #935070  
Attorney for Plaintiff